

California Victim Compensation and Government Claims Board
Open Meeting Minutes
April 19, 2012, Board Meeting

The California Victim Compensation and Government Claims Board (Board) convened its meeting in open session at the call of Leslie Lopez, Deputy Secretary and General Counsel, State and Consumer Services Agency, at 400 R Street, Sacramento, California, on Thursday, April 19, 2012, at 10:00 a.m. Also present were Board members Richard Chivaro, Chief Counsel, acting for and in the absence of John Chiang, Controller, and Michael Ramos, San Bernardino County District Attorney.

Board staff present included Julie Nauman, Executive Officer; Kathy Cruz, Chief Deputy Executive Officer; and Wayne Strumpf, Chief Counsel.

Tisha Heard, Board Liaison, recorded the meeting.

The Board meeting commenced with the Pledge of Allegiance.

Item 1. Approval of Minutes of the March 15, 2012, Board Meeting

Board members Chivaro and Ramos voted to approve the minutes of the March 15, 2012, Board meeting. Chairperson Lopez abstained.

Item 2. Public Comment

The Board opened the meeting for public comment. No public comment was provided.

Item 3. Executive Officer's Statement

National Crime Victims' Rights Week

In honor and recognition of National Crime Victims' Rights Week, the CalVCP will host its third annual Victims' Rights Rally at CalVCP headquarters on Tuesday, April 24th at 10:00 a.m. A number of speakers will join the rally including Angela Chavez, the aunt of Sandra Cantu, the 8-year-old victim who was abducted, raped, and murdered by a neighbor in 2009; State Legislators; as well as Board member Michael Ramos. Immediately following the Rally, participants will join together for the annual March to the Capitol to participate in other victims' rights events and observances.

National Sexual Assault Awareness Month

National Sexual Assault Awareness Month was recognized in 1999 as part of an international protest of an Italian Court's decision to overturn a rape conviction because the victim was wearing jeans. "Denim Day" is recognized around the country and observed by many victims' rights groups in April of each year. The CalVCP will kick off its second annual "Denim Day" clothing drive. This year the CalVCP expanded the clothing drive from three days to two weeks (April 13-27), with all items being donated to WEAVE. The yearly event to benefit WEAVE will be expanded to include the following state agencies: State and Consumer Services Agency, Office of Statewide Health Planning and Development, California Department of Corrections and Rehabilitation, Community Services and Development, and California Emergency Management Agency.

Item 4. Contract Report

Informatix, Inc.

Extension of the software quality assurance testing and services contract in the amount of \$49,970.

Celer Systems, Inc.

Extension of the Web application development services contract in the amount of \$47,978.

The Executive Officer explained that although both contracts were under the \$50,000 delegated authority given to her by the Board, she requested that the Board approve the IT expenditures.

The Board voted to approve the contracts.

Item 5. Legislative Update

Jon Myers, Deputy Executive Officer, Legislation and Public Affairs Division, reported the following:

AB 1531 (Fuentes) — Government Claims Bill

VCGCB's first Government Claims Bill of 2012, will appropriate \$859,738.51 to pay 273 claims approved by the Board from June 2011 through December 2011. The bill will be heard in the Appropriations Committee next week.

SB 1299 (Wright) — Victims of Crime: Compensation

This bill makes numerous changes to eligibility requirements, benefit levels, and processing mandates for CalVCP claims. CalVCP staff are working with the author and the sponsor to reduce the number of the requirements placed on the CalVCP.

SB 1210 (Lieu) — Restitution: Collection of Fines

This bill addresses two areas of concern with restitution collection after the implementation of public safety realignment, which moves certain classifications of offenders from CDCR to local jurisdictions. SB 1210 gives counties the authority to collect up to 50 percent of the wages and trust account deposits of prisoners in county jails and to assess a 10 percent administrative fee. It also requires an individual who violates post-release community supervision or mandatory supervision and is remanded back to jail to pay a revocation fine, as is currently assessed against individuals who violate parole and are remanded back to prison.

Additional amendments have been added including allowing any portion of the restitution order that remains unsatisfied after a defendant is no longer on post release community supervision or mandatory supervision to be enforced by the victim as a civil judgment and allowing court ordered debt over \$100 imposed by juvenile court to be referred to Franchise Tax Board for collection. The added amendments places the bill in line with what CDCR is currently allowed to do and helps with the realignment process.

In response to questions raised last month regarding the possibility of inmates being in violation of their probation if the money taken out of their trust account is used to pay restitution rather than their obligation to pay child support, Mr. Myers explained that the provisions do not impose new collection on offenders who are paying child support while on probation or similar post release supervision. He explained that the first provision authorizes collection while offenders are in jail; the second provision imposes a revocation fine on offenders who have already violated their post release supervision condition; and the third provision, just recently added to the bill, only affects the enforcement of restitution orders after an offender is discharged from post release supervision.

AB 1945 (Morrell) — Restitution: County Jails

Similar to SB 1210, AB 1945 gives counties the authority to collect up to 50 percent of the wages and trust account deposits of prisoners in county jails and to assess a 10 percent administrative fee. The bill was pulled from committee. The two authors will work together to decide which bill will take the lead.

SB 1371 (Anderson) — Victim Restitution: Private Debt Collector

This bill allows VCGCB, with victims' consent, to contract with a private debt collector for direct restitution orders. VCGCB staff is working with the author and the bill has been amended to now prohibit restitution fines and orders owed by offenders from being converted into prison time served.

AB 1157 (Nielsen) — Public Entity Liability: Payment of Claims

This bill restores a provision that was briefly implemented and later repealed in 2011 through budget trailer bill language. The provision requires VCGCB to notify the Legislature prior to allowing a government claim of \$500,000 or more to be paid from a current year appropriation for prior year costs. It also applies to multiple claims totaling \$500,000 or more in one year by a single vendor against a single department. The bill passed the Judiciary Committee and now is on its way to the Senate.

SB 1504 (Kehoe) — Claims and Judgments against the State: Interest

This bill provides that no interest will accrue on a claim against the state which VCGCB submits to the Legislature and for which an appropriation is made. However, if the Legislature fails to appropriate for payment, interest will accrue beginning one year from the date the claim was submitted. The bill also affects settlement claims submitted by the Attorney General.

AB 2679 (Committee on Transportation) – Transportation Omnibus Bill

The Department of Transportation currently has authority to administer government claims against that department of \$5,000 or less. This bill would change that limit to the amount allowed for a filing in small claims court, which as of 2012 is \$10,000 or less.

Item 6. Government Claims Program

Consent Agenda (Nos. 1- 533)

The Board adopted the staff recommendations for item numbers 1-533, with the following exceptions: item numbers 87 (589861), 112 (600860), 126 (601393), 161 (602117), 460 (603232), and 470 (603266) were removed to allow the claimants an opportunity to address the Board; and item numbers 90 (597597), 92 (597946), 140 (601669), 285 (602693), and 499 (600789) were continued.

Consent Agenda Appearance

Item 87, G589861

Claim of Anita M. Lafollette

Anita Lafollette, claimant, appeared and addressed the Board. Patricia Miles appeared on behalf of the California Public Employees' Retirement System.

Mindy Fox, Deputy Executive Officer, Government Claims Program, explained that Ms. Lafollette requested payment in the amount of \$4,468.55 as a refund for her Alternative Retirement Plan (ARP) contributions that she claimed were erroneously withheld from her payroll check.

The California Public Employees' Retirement System (CalPERS) recommended that the claim be rejected as all transactions that have taken place on the claimant's CalPERS account and her ARP account is supported by the Public Employees' Retirement Law.

The Government Claims Program (GCP) staff recommended that the claim be rejected as the issues raised were complex and outside the scope of analysis and interpretation typically undertaken by the Board.

Chairperson Lopez explained that it was the Board's understanding that CalPERS offered Ms. Lafollette an opportunity to enroll in the Second Tier retirement option; however, that option was not exercised by Ms. Lafollette. Consequently, CalPERS was unable to process Ms. Lafollette's request to refund her contributions while she was still an active CalPERS member.

Ms. LaFollette stated that in 2007, after the ARP commenced, she was required to put her alternative retirement money into an alternative plan with Nationwide Retirement Solutions. For two years she was promised that she would be able to roll it into her own IRA at the end of the two years. After two years, she was given the option of choosing Tier 1 or Tier 2 and she chose Tier 2. After four years, she was given the opportunity to roll \$33,000 into her personal IRA. At that point, CalPERS claimed that the money was put into the ARP account in error. She stated that \$163 a month was deducted from her pay for four months and put into a CalPERS pension plan without her permission.

Chairperson Lopez explained that the role of the Board is to try to resolve claims against governmental entities; however, occasionally claims may involve issues of law and fact that are outside the Board's purview and the matter cannot be resolved by the Board. She further explained that rejecting the claim had no indication on the merits of the claim.

The Board voted to adopt the staff recommendation to reject the claim.

Consent Agenda Appearance

Item 112, G600860

Claim of Mark Ogren

Mark Ogren, claimant, appeared and addressed the Board. Lisa Halko appeared on behalf of the California Department of Corrections and Rehabilitation.

Mindy Fox, Deputy Executive Officer, Government Claims Program, explained that Mr. Ogren sought compensation from the California Department of Corrections and Rehabilitation in the amount of \$8,060.00 for Consolidated Benefits (CoBen) cash during the period of August 6, 2007, through December 1, 2012.

The Department of Personnel Administration (DPA) and the California Department of Corrections and Rehabilitation (CDCR) recommended that the Board reject the claim. Based on the Government Claims Program (GCP) staff's review of the claim and the recommendations provided by DPA and CDCR, GCP staff recommended that Board reject the claim.

Chairperson Lopez explained that it was the Board's understanding that CDCR's position was that Mr. Ogren's official personnel file included a copy of a memorandum that outlined the steps to take in order to enroll in CoBen cash. Further, based on that information, CDCR asserted that Mr. Ogren was on notice regarding what he needed to do in order to take advantage of CoBen cash.

Mr. Ogren explained that he wanted to see proof that he was notified of the CoBen cash option. He stated that after reviewing his personnel file, he saw a memo regarding enrolling in CoBen Cash; however, he could not determine whether the memo was addressed or emailed to him. He did not sign the form, which led him to conclude that he did not receive it. He stated that he saw a checklist presented in 2007 that showed a list that staff completed tasks, but it was vague as to whether it was completed. It did not show anything about CoBen cash and there were no initials on the checklist.

Chairperson Lopez asked Mr. Ogren whether he attended the new employee orientation. Mr. Ogren stated that he did attend the orientation.

Ms. Halko stated that CDCR had a record of the in service training which showed that Mr. Ogren attended the training on employee benefits. She stated that staff explained their practice regarding mailing letters to employees. Employees' addresses are not printed on letters; rather, only the employee's name is included on the form letter. The envelope is printed and sent first-class mail to

the address listed on the employee action request that is completed a few days before the date on the letter. She stated that she was confident that the procedure was followed in Mr. Ogren's case. Mr. Ogren stated that he did not see the document in his file that Ms. Halko referenced and staff did not explain the process to him. Further, he stated that if he had been given that information, he would not have attended the Board meeting.

The Board voted to adopt the staff recommendation to reject the claim.

Consent Agenda Appearance

Item 126, G601393

Claim of Teri Chen

Teri Chen, claimant, appeared and addressed the Board. Greg Plath, Education Administrator, appeared and addressed the Board on behalf of the California Department of Education.

Mindy Fox, Deputy Executive Officer, Government Claims Program, explained that Ms. Chen requested payment in the amount of \$43,045.00 from the California Department of Education for approximately 1,040 hours of earned Education Leave which the claimant believed was unjustly removed from her leave records.

The California Department of Education and the Department of Personnel Administration recommended that the claim be rejected. The Government Claims Program staff recommended the Board reject the claim because the issues raised were complex and outside the scope of analysis and interpretation typically undertaken by the Board.

Ms. Chen explained that she was requesting the restoration of approximately 1,000 hours of education leave. She stated that the California Department of Education took approximately 1,900 hours of education leave from her balance. She was not disputing 900 hours of that balance because that was accrued when she was a fiscal consultant; however, 1,000 hours were accrued when she was a field representative, a classification that can earn education leave. She explained that she was hired and appointed into a field representative position. Several years later, the department had difficulty recruiting for that position because the minimum requirements were a master's degree or above. Because of that difficulty, the California Department of Education created a fiscal consultant position that did not require an advanced degree. She stated that she was involuntarily placed in a fiscal consultant position even though she continued to perform the duties as a field representative.

She further stated that the analysis provided by the California Department of Education was flawed because they did not consider the circumstances of all of the individuals. Her circumstance was unique because unlike most individuals who lost their education leave, they were only in the fiscal consultant classification; whereas a good portion of her time was spent in the field representative position. In addition, the response by the California Department of Education contained contradicting statements. The California Department of Education acknowledged that she was a field representative for a period of time with the department earning education leave; however, it recommended denial of her claim contending that she was not entitled to the education leave as a fiscal consultant. She stated that California Department of Education completely ignored the fact that she earned more than 1,000 as a field representative, which was the basis of her claim. She was not asking to have the full amount restored; rather, only the 1,000 hours that she earned while she was a field representative. By removing those 1,000 hours, she believed that the department was in violation of the State's agreement with bargaining unit 21, which clearly states that she was entitled to accrue and retain all education leave credits.

Chairperson Lopez asked Ms. Chen whether she pursued filing a grievance.

Ms. Chen explained that when the issue came about, the unions got involved; however, due to the unions other pressing budgetary issues at that time, the matter was pushed aside and it was never pursued. She stated that the reason that she did not pursue it was because she had not suffered any harm yet; however, she would be affected when she retired because the education hours would increase her retirement benefits.

Mr. Plath explained that when the matter was brought to California Department of Education's attention in October, they had to refer to records that dated back nearly eight years. During an internal audit, it was discovered that there was an erroneous earning of education leave for the education fiscal services program. The union became involved and eventually pursued the matter up to and including DPA. The parties tried to work to resolve the matter, the California Department of Education handled it appropriately, and SEIU dropped it. With respect to the California Department of Education addressing Ms. Chen's claim, he stated that she legitimately worked between two classifications. At the time of the removal of the education leave, the department not only looked at the MOU and the classifications that earn it, but also at the rules that are applied to the accumulation and retention of such a benefit, which is under a DPA rule, and the application of those rules which address entering and exiting those positions that earn it. All of that was considered in determining that the education leave needed to be zeroed out. He further stated that Ms. Chen was appropriately notified of that determination in late December 2005 and ultimately could have addressed it at that time rather than eight years later.

Ms. Chen stated that of approximately 15-20 people who had their education leave abolished, only three or four had field representative experience. The current bargaining agreement basically indicates that she is entitled to retain her education leave even though she is no longer in that classification.

Chairperson Lopez explained that the Board is not designed to handle claims that have legal questions that need to be answered.

The Board voted to adopt the staff recommendation to reject the claim.

Consent Agenda Appearance

Item 161, G602117

Athalye Consulting Engineering Services, Inc.

Omar Siddiqui, attorney, Law Offices of Ulwelling Siddiqui and counsel for Athalye Consulting Engineering Services, Inc. (Athalye), appeared on behalf of Athalye. The California Department of Transportation did not provide representation.

Mindy Fox, Deputy Executive Officer, Government Claims Program, explained that Athalye sought compensation from the California Department of Transportation (Caltrans) in the amount of \$9,000,000.00+ for lost business opportunities due to the improper exclusion of Athalye from obtaining contracts. Athalye believed the Caltrans' contract manager showed preference to one certain contractor with whom the claimant believed the contract manager expected to be employed following his planned voluntary termination from Caltrans.

The Government Claims Program (GCP) staff recommended that the Board reject the claim because it involved complex issues of fact and law which are typically beyond the scope and analysis of the Board.

Mr. Siddiqui stated that he believed the claim of Athalye was complex and a court of law would be the appropriate means for resolution. He stated that Athalye presented its claim in January 2012 for

the recent arbitrary and capricious application of Caltrans contract standards resulting in Athalye being blacklisted by a contract manager in District 7. Mr. Siddiqui stated that he wanted to present additional claims and issues and facts to the Board that arose subsequent to the filing of the original government claim. In addition, he requested that the Board convince Caltrans to come up with an early resolution to the matter.

Mr. Siddiqui explained that the contract at issue was Caltrans #0783176 wherein a Caltrans district manager advised certain consultants that including Athalye on their design team would be detrimental to their bid process. In addition, key staff members at Athalye were being poached by the same Caltrans contract manager to join a different engineering firm, which was the recipient of a number of Caltrans contracts. Within the past 30-45 days, Athalye's submittal was deemed nonresponsive on the grounds that they failed to disclose a purported conflict of interest issue; however, the team that was awarded the contract did not disclose those conflict of interest issues either. He stated that the process was arbitrary and capricious in making sure that certain teams were awarded over Athalye without due process. And, most recently, a witness to one of the competitor teams received a text message containing topics of the questions that would be asked in the interview process in the awarding of the contracts.

Chairperson Lopez asked Mr. Siddiqui whether Athalye pursued filing a bid protest.

Mr. Siddiqui stated that Athalye submitted numerous protests and they also attempted to resolve the matter by requesting a meeting. He asked the Board if they would contact an investigator at Caltrans and request that a meeting be held.

Chairperson Lopez explained that the Board had no supervisory authority over CalTrans; therefore, the Board could not command them to do anything. She stated that Board's function is to try to resolve disputes that do not have complicated legal issues. Athalye's claim was complicated and there may be other avenues that they could pursue through Caltrans or the bid protest process as set forth in the Public Contract Code.

Mr. Siddiqui asked the Board to acknowledge the new claims Athalye submitted subsequent to the January 2012 claim so that they would not have to bring them before the Board again.

Chairperson Lopez explained that the Board could only act on the claim before them.

The Board voted to adopt the staff recommendation to reject the claim due to its complexity.

Consent Agenda Appearance

Item 460, G603232

Claim of Laurie Allen

Laurie Allen, claimant, appeared and addressed the Board. John McDonough, Senior Supervising Attorney, appeared on behalf of the California Highway Patrol.

Mindy Fox, Deputy Executive Officer, Government Claims Program, explained that Ms. Allen requested payment in excess of \$25,000.00 from the California Highway Patrol (CHP) for the wrongful death of her husband on September 5, 2011.

The Government Claims Program (GCP) staff recommended the claim be rejected as the issues presented were complex and outside the scope of analysis and interpretation typically undertaken by the Board.

Ms. Allen stated that her husband died on September 5, 2011. She explained that she was given different versions of the circumstances surrounding his death. She was told that her husband was

walking from his sister's house, CHP officers approached him, he fell, CPR was administered, and he was taken to the hospital where he later died. She stated that she has been unable to obtain any additional information with regard to her husband's death because she cannot get a police report. She asserted that her husband was beaten to death by CHP officers; however, the hospital and CHP contend there was no trauma to the body.

Chairperson Lopez expressed her sympathy to Ms. Allen for the loss of her husband. She stated that the Board could not give legal advice, but suggested that Ms. Allen contact the County Bar Association, which might be able to put her in contact with an attorney who could help her obtain the information she was seeking and also discuss her options.

Board member Ramos stated that the claim was beyond the scope of the Board, but explained that she had options that she could pursue. Further, he stated he would recommend that the Board reject the claim.

The Board voted to adopt the staff recommendation to reject the claim because the issues raised were complex and outside the scope of analysis and interpretation typically undertaken by the Board.

Chairperson Lopez explained that although the Board rejected the claim, they were not making a judgment on whether she was right or wrong; rather, the Board could not make a decision on the claim due to its complexity.

Consent Agenda Appearance

Item 470, G603266

Claim of Kim Young

Kim Young, claimant, appeared and addressed the Board. Becky Bayliss appeared on behalf of the Department of Personnel Administration.

Mindy Fox, Deputy Executive Officer, Government Claims Program, explained that Ms. Young's claim involved intimidation and coercion by public officials, defamation of character, and retaliation for "whistle blowing," as well as loss of wages, future employment, livelihood, cost of private health insurance, and interest in the amount of \$943,866.00 against the California Department of Social Services, with whom she was employed, and the Department of Personnel Administration.

The Government Claims Program staff recommended the Board reject the claim because the issues raised were complex and outside the scope of analysis and interpretation typically undertaken by the Board.

Ms. Young stated that she understood the Board's process and the complex nature of her claim; however, she asked whether the Board could provide options or explain the next steps.

Chairperson Lopez stated that the Board could not give private legal advice, but recommended that she seek an attorney to advise her and walk her through her options. She explained that typically when a claim is rejected, it is the last step before filing a lawsuit.

The Board voted to adopt the staff recommendation to reject the claim because the issues presented were complex and outside the scope of analysis and interpretation typically undertaken by the Board.

Item 7. Claim of American Correctional Solutions
Claim Number G591146

Mindy Fox, Deputy Executive Officer, explained that the California Department of Corrections and Rehabilitation requested that the Victim Compensation and Government Claims Board (Board) reconsider and allow the previously rejected claim of American Correctional Solutions (ACS) in the amount of \$19,950.00 for purposes of settlement.

Based upon consideration of the facts of the claim, and the parties' mutual desire to settle the matter through Board action, the Government Claims Program staff recommended that the Board reconsider the claim under authority of Government Code section 913.2 and allow the claim in the amount of \$19,950.00 under authority of Government Code section 965 (agency pay).

The Board voted to adopt the staff recommendation to reconsider and allow the claim.

Item 8. Claim of SimplexGrinnell
Claim Number G595788

Mindy Fox, Deputy Executive Officer, Government Claims Program, explained that the California Department of Corrections and Rehabilitation requested that the Victim Compensation and Government Claims Board (Board) reconsider and allow the previously rejected claim of SimplexGrinnell in the amount of \$13,761.87 for purposes of settlement.

Based upon consideration of the facts of the claim, and the parties' mutual desire to settle the matter through Board action, the Government Claims Program staff recommended that the Board reconsider the claim under authority of Government Code section 913.2 and allow the claim in the amount of \$13,761.87 under authority of Government Code section 965 (agency pay).

The Board voted to adopt the staff recommendation to reconsider and allow the claim.

Item 9. Claim of Service West
Claim Number G596464

Mindy Fox, Deputy Executive Officer, Government Claims Program, explained that Service West requested payment of unpaid invoices in the amount of \$179,120.00 from the California Energy Commission for furniture storage services provided during the period of August 2010 through March 2011.

The California Energy Commission recommended that the claim be allowed in the amount of \$179,120.00 under authority of Government Code section 965 (agency pay). Based upon GCP staff's review and the California Energy Commission's recommendation, GCP staff recommended that the Board allow the claim in the amount of \$179,120.00 under authority of Government Code section 965 (agency pay).

The Board voted to adopt the staff recommendation to allow the claim.

Item 10. Claim of Orbis Partners, Inc.
Claim Number G597026

Mindy Fox, Deputy Executive Officer, Government Claims Program, explained that the California Department of Corrections and Rehabilitation requested that the Victim Compensation and Government Claims Board (Board) reconsider and allow the previously rejected claim in the amount of \$144,888.00 for purposes of settlement.

Based upon consideration of the facts of the claim, and the parties' mutual desire to settle the matter through Board action, GCP staff recommended that the Board reconsider the claim under authority of Government Code section 913.2 and allow the claim in the amount of \$144,888.00 under authority of Government Code section 965 (agency pay).

The Board voted to adopt the staff recommendation to reconsider and allow the claim.

Item 11. Claim of Allen Finley
Claim Number G597571

Mindy Fox, Deputy Executive Officer, Government Claims Program, explained that Allen Finley requested compensation in the amount of \$1,860.00 from the California Department of Corrections and Rehabilitation (CDCR) for Consolidated Benefits (CoBen) cash during the period of January 2010 through December 2010.

The Department of Personnel Administration provided a recommendation to allow payment of the claim in the amount of \$155 per month for the period of January 1, 2010, through December 31, 2010. The CDCR recommended that the claim be allowed.

Based upon DPA's review of the claim and CDCR recommendation to allow the claim, GCP staff recommended that the Board allow the claim in the amount of \$1,860.00, under authority of Government Code section 965 (agency pay).

The Board voted to adopt the staff recommendation to allow the claim.

Item 12. Claim of UCI Pathology Referral Services
Claim Number G597794

Mindy Fox, Deputy Executive Officer, Government Claims Program, explained that UCI Pathology Referral Services requested payment in the amount of \$111,375.06 for inpatient pathological care services provided to the California Department of Mental Health for the period of August 2008 to June 2009.

The California Department of Mental Health recommended that the claim be allowed in the amount of \$111,375.06, under authority of Government Code section 965 (agency pay).

UCI Pathology Referral Services provided satisfactory services to the California Department of Mental Health and had not been compensated. Based upon consideration of the facts, and the parties' mutual desire to settle the matter through the Board action, Government Claims Program staff recommended that the claim be allowed in the amount of \$111,375.06, under authority of Government Code section 965 (agency pay).

The Board voted to adopt the staff recommendation to allow the claim.

Item 13. Claim of James Garrett
Claim Number G602042

James Garrett, claimant, appeared and addressed the Board. Mr. Garrett provided the Board with copies of a Plumas County court order. John McDonough, Senior Supervisor Attorney, appeared and addressed the Board on behalf of the California Highway Patrol.

Mindy Fox, Deputy Executive Officer, Government Claims Program, explained that Mr. Garrett requested reimbursement from the California Highway Patrol in the amount of \$6,663.63 for vehicle impound and storage fees and economic loss.

The Attorney General's Office and California Highway Patrol recommended that the claim be partially allowed in the amount of \$780.00 under authority of Government Code section 965 (agency pay). Based on its review of the claim and AG's recommendation, GCP staff recommended that the claim be partially allowed in the amount of \$780.00 under authority of Government Code section 965 (agency pay).

Chairperson Lopez stated that the Board had an opportunity to review the court order from Plumas County in which the court upheld the finding that the impound of the tractor was proper because it was not an implement of husbandry.

Mr. Garrett stated that he brought a copy of the court's ruling to show that he had evidence of his wages. He explained that he appealed the case and was found not guilty.

Mr. McDonough stated that the CHP would stipulate that Mr. Garrett appealed and the appellate court found that he was not in violation. He further stated that the CHP was willing to pay for the storage and towing of the tractor in the total amount of \$780.00.

Mr. Garrett stated that he wanted compensation for his wages because he was the victim of the CHP officer. He stated that his tractor should not have been impounded because a driver's license is not required when driving an implement of husbandry. As a result of the impound, he stated that he missed a mortgage payment which, in turn, resulted in his home being foreclosed and later the necessity to file for bankruptcy.

Chairperson Lopez stated that based on the CHPs agreement that the tractor was incorrectly impounded, they agreed to pay for part of the claim but disagreed with the other damage that he claimed. She explained that the Board was not equipped to have a factual hearing on the other damages.

Board member Ramos stated that the Board is not the proper forum to determine the remainder of Mr. Garrett's issues.

The Board voted to adopt the staff recommendation to partially allow the claim in the amount of \$780.00.

Item 14. Request to Extend Renewal Periods of Delegated Authority

Mindy Fox, Deputy Executive Officer, Government Claims Program, explained that the Government Claims Program requested modification to the renewal policy for agencies with delegated authority of claims not exceeding \$1,000.00. The proposed modification was to allow a three-year renewal period for agencies that have successfully managed delegated authority for a period of five or more years. All other agencies would be recommended for a two-year renewal period when their request for delegated authority is considered by the Board

Current Board policy and practice is that agencies request Board approval for delegated authority of claims not exceeding \$1,000.00 on an annual basis. Five agencies currently qualify for the three-year renewal based on their history of delegated authority and include the California Highway Patrol, the Departments of Consumer Affairs, General Services, Mental Health, and Motor Vehicles.

Agencies successfully managing delegated authority of claims not exceeding \$1,000.00 for five consecutive years or more would be recommended for a three-year renewal period when their next renewal request is considered by the Board.

Agencies with less than five years experience managing delegated authority claims not exceeding \$1,000.00 would be recommended for a two-year renewal period when their request for delegated authority is considered by the Board.

Further, the Government Claims Program staff analyzed the accuracy and average processing time of the departments with delegated authority and determined that their work was accurate and timely. Board staff concluded that renewal on a three-year basis is effective and warranted.

The Board voted to approve the request to extend renewal periods of delegated authority.

Item 15. Request for Delegation of Authority
Under Government Code Section 935.6
By the California Department of Consumer Affairs

Mindy Fox, Deputy Executive Officer, Government Claims Program, explained that the California Department of Consumer Affairs requested that the Victim Compensation and Government Claims Board (Board) grant it delegated authority to settle and pay or reject claims that do not exceed \$1,000.00 each from May 1, 2012, through April 30, 2015.

The Government Claims Program staff recommended that the Board approve the request by the California Department of Consumer Affairs.

The Board voted to approve the request by the California Department of Consumer Affairs.

Item 16. Applications for Discharge From Accountability for Collection

The item was removed from the agenda.

Victim Compensation Program

The Board commenced the Victim Compensation Program portion of the meeting at 11:14 a.m.

Closed Session

Pursuant to Government Code section 11126(c)(3), the Board adjourned into Closed Session with the Board's Executive Officer, Chief Deputy Executive Officer, and Chief Counsel at 11:14 a.m. to deliberate on the proposed decisions numbers 1-201.

Open Session

The Board reconvened into open session at 11:23 a.m. The Board voted to adopt the proposed decisions for numbers 1-201.

Adjournment

The Board meeting adjourned at 11:23 a.m.